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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Suzanne K. Melges

Examiner: George R. Koch

Serial Number: 10/672,016

Art Unit: 1734

Filed: September 25, 2003

Atty Docket No.: 023-1-001

For: "Food Labeling Device For Printing Time And Date Information On Adhesive Labels To Track Freshness"

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The above-identified application became abandoned on March 3, 2005 for failure to file a timely and proper reply to a first Office Action dated September 2, 2004 from the United States Patent and Trademark Office. However, the Office Action was not received by my law office. I have personally conducted a search of the file jacket of the patent application and the docket records which indicates that the Office Action was never received by my law office. Attached is my docket for the time period three months after the Office Action would have been docketed if received as evidence of non-receipt thereof.

06/10/2005 MAHME1 00000052 10672016

01 FC:1464

130.00 DP

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 11th day of May 2005.

Signed: Brian K. Payne

Dated: 05-11-05

The latter half of last year I changed my office mailing address from a post office box in Salt Lake City, Utah to my actual office address in Park City, Utah. I filled out the proper paperwork with the United States Postal Service such that all of the office mail was supposed to be forwarded from the post office box to my office address. However, I have found that some mail such as this Office Action have not been properly forwarded and thus not received by my law office.

I respectfully request that you withdraw the holding of abandonment of the application based on the failure to receive the Office Action and forward a copy thereof to my law office upon approval of this petition. I have also sent a change of address request to the U.S.P.T.O. in a separate correspondence changing the with the office address of:

Law Office of Brian R. Rayve
161 Maple Drive
Park City, Utah 84098
Telephone: (435) 655-3896
Facsimile: (435) 658-3881

Enclosed is the petition fee in the amount of \$130.00 if required. If this fee is not required as I believe it should not be under the circumstances please return the check to my law office.

Respectfully,

LAW OFFICE OF BRIAN R. RAYVE



Brian R. Rayve
Attorney for Applicant
Registration No. 39,810

May 11, 2005

Petition to Revive - Office Action Not Received.wpd



DOCKET

JANUARY, 2004

MONDAY

01-05-04

TADIN, Anthony G.

Serial Number 60/460,800 - "User-Customizable Insoles For Footwear
And Method Of Customizing Insoles"

Docketed for **Utility App'n and Foreign Filings** - DUE April 5, 2004 -
Patent Application Filed April 5, 2003 - Send
initial letter today

FEBRUARY, 2004

WEDNESDAY

02-18-04

PISULA, Richard L.

Serial Number 10/298,769 - "Glow Tube Illumination Device
And Illumination System For Bicycles"

Docketed for **Publication** - DUE (estimated about May 18, 2004)
Patent Application Filed November 18, 2002 - Send letter today

SUNDAY

02-29-04

FARIS, F. Dale

Serial Number 60/475,045 - "Necklace With Interchangeable
Strings Of Beads"

Docketed for **Utility App'n and Foreign Filings** - DUE May 31, 2004 -
Patent Application Filed May 31, 2003 - Send
initial letter today

SUNDAY

02-29-04

FARIS, F. Dale

Serial Number 60/475,044 - "Keychain Pill Container"

Docketed for **Utility App'n and Foreign Filings** - DUE May 31, 2004 -
Patent Application Filed May 31, 2003 - Send
initial letter today

APRIL, 2004

FRIDAY

04-23-04

ANDERSON, Elmer G.

Serial No. 10/102,791

"Device For Visually Aligning a Vehicle Towing Hitch and a Trailer Tongue"

Docketed for **ISSUE FEES AND FORMAL DRAWINGS - DUE TODAY**

MAY, 2004

FRIDAY

05-14-04

FARIS, F. Dale
Patent Number 6,146,049 - "Connector For Flexible Cable"
Docketed for **First Maintenance Fee - DUE TODAY -**
Patent Issued November 14, 2000

JUNE, 2004

FRIDAY

06-25-04

MELGES, Suzanne K.
Serial Number 10/672,016 - "Food Labeling Device For Printing
Time And Date Information On Adhesive Labels To Track Freshness"
Docketed for **Foreign Filings - DUE September 25, 2004 -**
Patent Application Filed September 25, 2003 - Send
initial letter today

FRIDAY

06-25-04

PETERSEN, Bruce L.
Serial Number 10/672,003 - "Rotorcraft Having Coaxial Counter-Rotating
Rotors Which Produce Both Vertical And Horizontal Thrust
And Method of Controlled Flight In All Six Degrees Of Freedom"
Docketed for **Foreign Filings - DUE September 25, 2004 -**
Patent Application Filed September 25, 2003 - Send
initial letter today

FRIDAY

06-25-04

RODRIGUEZ, Deborah T.
Serial Number 60/672,338 - "Hair Roots Coloring Kit"
Docketed for **Foreign Filings - DUE September 25, 2004 -**
Patent Application Filed September 25, 2003 - Send
initial letter today

JULY, 2004

MONDAY

07-05-04

TADIN, Anthony G.
Serial Number 10/818,880 - "User-Customizable Insoles For Footwear
And Method Of Customizing Insoles"
Docketed for **Publication - DUE (estimated about October 5, 2004)**
Patent Application Filed April 5, 2004 - Send letter today

FRIDAY

07-30-04

BUTLER, Boyd L.

TM Serial No. 76/589,800 - XSCREAM

Docketed for **Foreign Filings** - DUE October 30, 2004 - Send
Initial letter today**FRIDAY**

07-30-04

MELGES, Suzanne K.

TM Serial No. 76/589,802 - FRESH DATE

Docketed for **Foreign Filings** - DUE October 30, 2004 - Send
Initial letter today**FRIDAY**

07-30-04

TURNER, Augustavia Y.

TM Serial No. 76/589,801 - FASHAE

Docketed for **Foreign Filings** - DUE October 30, 2004 - Send
Initial letter today**AUGUST, 2004****WEDNESDAY**

08-25-04

RAYVE, Richard E.

Serial Number 60/525,081 - "Stick-On Toothbrush Holder"

Docketed for **Utility App'n and Foreign Filings** - DUE November 25, 2004 -
Patent Application Filed November 25, 2003 - Send
initial letter today**TUESDAY**

08-31-04

FARIS, F. Dale

Serial Number 10/858,323 - "Necklace With Interchangeable
Strings of Beads"Docketed for **Publication** - DUE (estimated about November 31, 2004)
Patent Application Filed May 31, 2004 - Send letter today**TUESDAY**

08-31-04

FARIS, F. Dale

Serial Number 10/858,324 - "Keychain Pill Container"

Docketed for **Publication** - DUE (estimated about November 31, 2004)
Patent Application Filed May 31, 2004 - Send letter today

DECEMBER, 2004

WEDNESDAY

12-15-04

NELSON, Gregory G.

Serial Number 60/553,109 - "Folding Chair With Head
And Foot Supports"

Docketed for **Utility App'n and Foreign Filings** - DUE March 15, 2005 -
Patent Application Filed March 15, 2004 - Send
initial letter today

JANUARY, 2005

SATURDAY

01-29-05

DAY, Jon

Serial No.: 10/770,179 - "Brewable Coffee Product"

Docked for **RESPONSE - DUE TODAY.**

Office Action dated October 29, 2004.

MARCH, 2005

MONDAY

03-07-05

NELSON, Gregory G.

Serial No. 60/616,710 - "Folding Backpack Stadium Seat With Headrest"

Docketed for **Replacement Check from January 7, 2005 - DUE TODAY**

MONDAY

03-07-05

QUINTANA, Richard

Serial No. 60/617,243 - "Intelligent Angle Stop And Overflow
Prevention System"

Docketed for **Replacement Check from January 7, 2005 - DUE TODAY**

SATURDAY

03-12-05

NELSON, GREGORY G., et al.

Patent Number 6,354,657 - "Multi-Functional Portable
Folding Rocking Chair"

Docketed for **First Maintenance Fee** - DUE

September 12, 2005 - Patent Issued March 12,
2002 - Send initial letter today,

TUESDAY

03-15-05

NELSON, Gregory G.
Serial No. 60/553,109 - "Folding Chair With Head
And Foot Supports"
Docketed for **Utility and Foreign Filing -DUE TODAY**

SUNDAY

03-27-05

NELSON, Gregory G.
Serial Number 60/583,471 - "Folding Chair With Stowable Canopy"
Docketed for **Utility App'n and Foreign Filings** - DUE June 27, 2005 -
Patent Application Filed June 27, 2004 - Send
initial letter today

APRIL, 2005

MONDAY

04-04-05

MEYERS, Frank J.
Serial Number 11/029,637 - "Edge Strip For Edging Plants
And Making In-Ground Pots"
Docketed for **Publication** - DUE (estimated about July 4, 2005)
Patent Application Filed January 4, 2005 - Send letter today

MONDAY

04-04-05

NELSON, Gregory G.
Serial No. 60/616,710 - "Folding Backpack Stadium Seat With Headrest"
Docketed for **Missing Parts - Extended 3 months**
from January 4, 2005 - DUE TODAY

TUESDAY

04-05-05

BLANKSHAIN, Mona L.
Serial Number 10/885,470 - "Get Better Kits And Method For
Increasing Comfort And Self-Sufficiency of Persons Having
Specific Medical Conditions"
Docketed for **Foreign Filings** - DUE July 5, 2005 -
Patent Application Filed July 5, 2004 - Send
initial letter today

FRIDAY

04-15-05

QUINTANA, Richard
Serial No. 60/617,243 - "Intelligent Angle Stop And Overflow
Prevention System"
Docketed for **Missing Parts - Extended 3 months**
from January 15, 2005 - DUE TODAY

FRIDAY

04-15-05

SITARZ, Richard J.

Serial No. 10/956,358 - "Inflatable Protective Covers For Motor Vehicles"

**Docketed for Missing Parts - Extended 3 months
from January 15, 2005 - DUE TODAY****TUESDAY**

04-26-05

HORVATH, Robert C., Sr.

Serial Number 60/591,510 - "Decorative Trash Dumpsters"

**Docketed for Utility App'n and Foreign Filings - DUE July 26, 2005 -
Patent Application Filed July 26, 2004 - Send
initial letter today****SATURDAY**

04-30-05

DAY, Jon

Serial Number 10/770,179 - "Brewable Coffee Product"

**Docketed for Publication - DUE (estimated about July 31, 2005)
Patent Application Filed January 31, 2004 - Send letter today****SATURDAY**

04-30-05

TORAN, Aaron F.

Serial Number 10/770,178 - "Combination Mouthwash And
Cup Dispenser"**Docketed for Publication - DUE (estimated about July 31, 2005)
Patent Application Filed January 31, 2004 - Send letter today****MAY, 2005****TUESDAY**

05-03-05

QUINTANA, Richard

Serial No. 60/617,243 - "Intelligent Angle Stop And Overflow
Prevention System"**Docketed for Incomplete Reply (Check) - DUE ASAP****JUNE, 2005****THURSDAY**

06-02-05

MCDOWELL, Karen S.

Serial No. 11/015,768 - "Personal Hygiene Devices To Aid
Physically Impaired Users To Clean Their Recto-Genital Areas"**Docketed for Missing Parts - Extended 2 months
from April 2, 2005 - DUE TODAY**

THURSDAY

06-02-05

NELSON, Gregory G.

Serial No. 11/037,544 - "Multi-Functional Portable Folding Rocking Chair"

Docketed for **Missing Parts - Extended 1 month**

from May 2, 2005 - DUE TODAY

SATURDAY

06-04-05

MELGES, Suzanne K.

Serial No. 10/672,016 - "Food Labeling Device For Printing Time And
Date Information On Adhesive Labels To Track Freshness"

Docketed for **Revival from April 4, 2005 - DUE TODAY**

TUESDAY

06-14-05

TADIN, Anthony G.

Serial No. 10/818,880 - "User-Customizable Insoles For Footwear
And Method Of Customizing Insoles"

Docketed for **Response from March 14, 2005 - DUE TODAY**

WEDNESDAY

06-15-05

NELSON, Gregory G.

Serial Number 11/082,195 - "Folding Chairs With Ratcheting Footrests,
Folding Headrests, And Combination Folding Headrests And
Sun Canopies"

Docketed for **Publication - DUE** (estimated about September 15, 2005)

Patent Application Filed March 15, 2005 - Send letter today

THURSDAY

06-16-05

MEYERS, Frank J.

Serial No. 11/029,637 - "Edge Strip For Edging Plants And Making
In-Ground Plant Pots"

Docketed for **Missing Parts - Extended 2 months**

from April 16, 2005 - DUE TODAY

SUNDAY

06-19-05

PETERSEN, Bruce L.

Serial No. 10/672,003 - "Rotorcraft Having Coaxial Counter-Rotating
Rotors Which Produce Both Vertical And Horizontal Thrust

And Method Of Controlled Flight In All Six Degrees Of Freedom"

Docketed for **Replacement Check from April 19, 2005 - DUE TODAY**

TUESDAY

06-21-05

BLANKSHAIN, Mona L.

Serial No. 10/885,470 - "Get Better Kits And Method For Increasing Comfort And Self-Sufficiency Of Persons Having Specific Medical Conditions"

Docketed for **Missing Parts - Extended 3 months**
from March 21, 2005 - DUE TODAY

TUESDAY

06-21-05

BLANKSHAIN, Mona L.

Serial No. 10/885,470 - "Get Better Kits And Method For Increasing Comfort And Self-Sufficiency Of Persons Having Specific Medical Conditions"

Docketed for **Missing Parts - Extended 3 months**
from March 21, 2005 - DUE TODAY

WEDNESDAY

06-22-05

PETERSEN, Bruce L.

Serial No. 10/672,003 - "Rotorcraft Having Coaxial Counter-Rotating Rotors Which Produce Both Vertical And Horizontal Thrust And Method Of Controlled Flight In All Six Degrees Of Freedom"

Docketed for **Response from March 22, 2005 - DUE TODAY**

SATURDAY

06-25-05

GILBERT, Mike R.

Serial No.: 09/957,251 - "Carbonated Fruit Juice Beverages and Process of Manufacture"

Docked for **NOTICE OF APPEAL - DUE TODAY.**
Office Action dated March 25, 2005.

MONDAY

06-27-05

NELSON, Gregory G.

Serial No. 60/583,471 - "Folding Chair With Stowable Canopy"

Docketed for **Utility and Foreign Filing -DUE TODAY**

THURSDAY

06-30-05

SITARZ, Richard J.

Serial Number 10/956,358 - "Inflatable Protective Covers For Motor Vehicles"

Docketed for **Foreign Filings** - DUE September 30, 2005 -
Patent Application Filed September 30, 2004 - Send
initial letter today

THURSDAY

06-30-05

HOGGE, Steven K.

Serial No. 11/077,166 - "Split Sports Jacket"

Docketed for **Missing Parts - Extended 1 month**
from May 31, 2005 - DUE TODAY